



Entered on Docket
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DUPLICATE
PROOFS OF CLAIM**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fourth Omnibus Objection of USACM
2 Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service” [Docket No.
3 6734] (the “Objection”); the Court having heard the matter on February 20, 2009;
4 appropriate notice of the Objection having been given; no response to the Objection
5 having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The duplicate claims listed on Exhibit A to this Order are disallowed in their
9 entirety; and
- 10 3. The surviving claims listed on Exhibit A to this Order are not affected by
11 this Order, but may be subject to further objection.
- 12

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ John Hinderaker (018024)
16 Rob Charles
John Hinderaker (*pro hac vice*)
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19
20 *Attorneys for USACM Liquidating Trust*

21 APPROVED/DISAPPROVED

22
23 By: _____
August Landis
24 Assistant United States Trustee

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

EXHIBIT A

USA – DUPLICATE CLAIMS TABLE (4)

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Timothy J Porter Ira c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 th Fl. Las Vegas, NV 89169	10725-00845	\$40,955.63	The claim is based on investment in Anchor B, LLC and Oak Shores II and is a duplicate of Claim #10725-01294. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00845 be disallowed in its entirety.	10725-01294	\$40,955.63
Mathews, Max c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 th Fl. Las Vegas, NV 89169	10725-00846	Unknown	The claim is based on BarUSA and Elizabeth May Real Estate and is a duplicate of Claim #10725-01239. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00846 be disallowed in its entirety.	10725-01239	Unknown
Tomac, Steven B & Laura J c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 th Fl. Las Vegas, NV 89169	10725-00847	Unknown	This claim is based on investment in Elizabeth May Real Estate and Grammercy Court Condos and is a duplicate of Claim #10725-01234. The USACM Liquidating Trust requests claim #10725-00847 be disallowed in its entirety.	10725-01234	Unknown

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Patricia A Herrin & Terry W Royder 9404 Mountainair Ave Las Vegas, NV 89134-6215	10725-00913	\$150,000.00	The claim is based on investment in Eagle Meadows Development and is a duplicate of Claim #10725-01388. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00913 be disallowed in its entirety.	10725-01388	\$150,000.00
Ovca Associates Inc Defined Pension Plan c/o William J Ovca Jr Trustee 16872 Baruna Ln Huntington Beach, CA 92649	10725-00957	\$275,000.00	The claim is a duplicate of Claim #10725-01574. The USACM Liquidating Trust requests claim #10725-00957 be disallowed in its entirety.	10725-01574	Unknown
Resident Agents Of Nevada 711 S Carson St #4 Carson City, NV 89701	10725-00988	\$54,535.00	The claim is based on investment in Placer Vineyards 2nd and is a duplicate of Claim #10725-01261. The USACM Liquidating Trust requests claim #10725-00988 be disallowed in its entirety.	10725-01261	\$54,535.00
Ciadella Living Trust Dtd 2/8/99 c/o Stella P Ciadella Trustee 650 S Town Center Dr Apt 1114 Bldg 29 Las Vegas, NV 89144-4419 And Ciadella Living Trust Dtd 2/8/99 C/o Carl Ciadella 10012 Crescent Mesa Ln. Las Vegas, NV 89148	10725-01040	\$250,000.00	The claim is based on 6425 Gess, LTD and Harbor Georgetown and is a duplicate of Claim #10725-02450. The USACM Liquidating Trust requests claim #10725-01040 be disallowed in its entirety.	10725-02450	\$250,000.00

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Don P Marshall Trust Dtd 7/18/95 c/o Don P Marshall Trustee 221 Chiquita Rd Healdsburg, CA 95448-9055	10725-01044	\$200,000.00	The claim is a duplicate of Claim #10725-02482. The USACM Liquidating Trust requests claim #10725-01044 be disallowed in its entirety.	10725-02482	\$200,000.00
Adams, Karen 15026 Starbuck St Whittier, CA 90603	10725-01075	\$53,900.08	The claim is based on investment in Bundy Canyon Land Development, LLC and is a duplicate of Claim #10725-01076. The USACM Liquidating Trust requests claim #10725-01075 be disallowed in its entirety.	10725-01076	\$53,900.08
Wayne Dotson Co Peter Bogart Ceo 3 Hidden Lake Ct Bluffton, SC 29910	10725-01123	\$56,500.00	This claim is based on investment in Rio Rancho Executive Plaza, LLC and is a duplicate of Claim #10725-1266. The USACM Liquidating Trust requests claim #10725-01123 be disallowed in its entirety.	10725-01266	\$56,500.00